



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,489	03/12/2004	Volker Marks	5029.1007	8391

23280 7590 12/22/2005

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

HUSBAND, SARAH E

ART UNIT	PAPER NUMBER
----------	--------------

1746

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary	Application No. 10/799,489	Applicant(s) MARKS, VOLKER	
	Examiner Sarah E. Husband	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the screen surface varying in height along a respective dividing wall (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Specification in view of Schliebs (DE 1883789).

Applicant discloses in the specification that it is known to have a salt container with an ion exchanger and it is also known to have the salt container mounted to the door and have screened openings in the dividing walls (see Background, paragraphs 4-7). Applicant's specification does not specifically disclose dividing walls having screen surfaces at a v-shape relative to each other. Schliebs discloses the v-shape screen surface dividing the salt container into various chambers and separating the water inlet and brine outlet (see Figs. 1, 3-7 and 11) and the screen surface varies in height. At the time of the invention, it would have been obvious to modify the background art with a v-shaped screen for the benefit of more quickly moving the brine to the outlet.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Specification in view of Heissmeier (DE 3529131).

Applicant discloses in the specification that it is known to have a salt container with an ion exchanger and it is also known to have the salt container mounted to the door and have screened openings in the dividing walls. Applicant's specification does not specifically disclose dividing walls having screen surfaces at a v-shape relative to each other. Heissmeier

discloses the v-shape screen surface dividing the salt container into various chambers and separating the water inlet and brine outlet (see Fig. 1) and the screen surface varies in height. Heissmeier further discloses support shoulders, shown in Figure 1 as well, adjacent or beneath the screened surfaces. At the time of the invention, it would have been obvious to modify the background art with a v-shaped screen for the benefit of more quickly moving the brine to the outlet.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Specification and Schliebs (or Heissmeier) as applied to claims 1-3 above, and further in view of Rumbaugh (US Patent No. 3,363,637).

The container shown by Applicant's Specification and Schliebs (or Heissmeier) are shown above in the 103(a) rejections. They do not specifically disclose a venting apparatus within the salt container. Rumbaugh discloses the vent (Items 42, 76, 50 and 70) to allow the passage of air and reduction of pressure which also has a slanted surface (50) (see also entire document; esp. Fig. 1; col. 6). Applicant's Specification, Schliebs (or Heissmeier), and Rumbaugh are analogous art because they are from the same field of endeavor, water softening apparatus and at the time of the invention, it would have been obvious to modify Applicant's Spec. and Schliebs (or Heissmeier) with Rumbaugh for the benefit of avoiding a build up of pressure in the compartment.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not referred to are Janecke (US 3553401), Schrott (US


4307742), Russi (US 5133487), Copeland (US 5389344), Gadini (US 6766812), Kiscellus (US 3339737), Rose (US 3342336) and Kendt (US 3386454), who teach salt containers/ion exchangers for water softening.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEH


MICHAEL BARR
SUPERVISORY PATENT EXAMINER